

**ANSWER**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

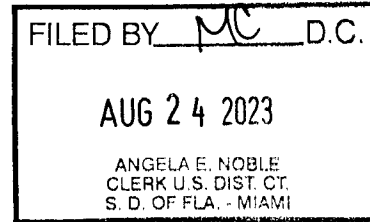
CASE NO: 23-cv-22376-KMW-LMR

JUDGE: KATHLEEN M. WILLIAMS -  
UNITED STATES DISTRICT JUDGE

THE SMILEY COMPANY SPRL,  
Plaintiff

vs.

HONEY HOMEWARE STORE  
Defendant



**DEFENDANTS ANSWER TO COMPLAINT**

[Defendant No. 291 - Schedule A]

1. Complaint is denied. Defendant disputes the allegations set forth in the first paragraph of the complaint. The distinction between the trademark graphic owned by the Smiley Company and the design utilised by Honey Homeware is conspicuous and unmistakable. Honey Homeware's intention is not to mimic or confuse with the Smiley Company's work. The absence of any textual or typographical resemblance further substantiates our commitment to presenting a distinctive presence in the market and preventing any potential consumer confusion.
2. Complaint is denied. Defendant refutes the claims detailed in the second paragraph of the complaint. Honey Homeware maintains a strong respect for the trademarks and copyrights held by the Smiley Company; however, we contest any infringement upon these proprietary rights. Primarily, the item in question operates within a category devoid of any trademark ownership (Cushions, soft furnishing). Moreover, the term 'Smiley' has been employed purely descriptively in the context of the product, 'Neon Shrimp Punch Needle Smiley Face Cushion.' Honey Homeware vehemently challenges any assertion that its product presence within the market has adverse effects on the goodwill associated with the Plaintiff.
3. Complaint is denied. Defendant rejects the allegations delineated in the third paragraph of the complaint. Defendant maintains that it has not undertaken any conduct contributing to the alleged harm posited by the Plaintiff. Honey Homeware is well aware of the challenges posed by product imitations and as a result, is committed to ethical and just practices in the market. The implications of these allegations on Honey Homeware are significant and far-reaching, compelling us to undertake the same rigorous efforts as the Plaintiff in dedicating substantial time and resources towards defending fair legal proceedings.

DATE: 16/08/2023

I hereby certify that a copy of has been sent via email and mail on 16/08/2023 to Plaintiffs representing attorneys at the email supplied [[jsobrado@brickellip.com](mailto:jsobrado@brickellip.com) / [rweaver@brickellip.com](mailto:rweaver@brickellip.com) / [admin@brickellip.com](mailto:admin@brickellip.com)] and address THE BRICKELL IP GROUP, PLLC1101 Brickell AvenueSouth Tower, Suite 800Miami FL, 33131.

Submitted by  
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UNITED KINGDOM**

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